

How public legal education supports access to justice and the rule of law
Episode 11
LawCast BC podcast
Law Society of British Columbia

Vinnie Yuen:

Welcome to LawCast BC, a podcast produced by the Law Society of British Columbia. The Law Society regulates lawyers in BC. Our mandate is to protect the public. I'm Vinnie Yuen, host and producer.

The justice system is complicated. A lot of Canadians find the system hard to navigate when they face a legal issue. Many people don't know where to start and how to get the information they need. When people hear the term 'legal education', they often think of law school or training for lawyers but the legal system affects all of us and everyone needs to understand their rights and responsibilities and what to do when they face a legal issue. This knowledge also supports a fundamental principle: the rule of law. When people understand their rights and responsibilities, it helps build trust that our system is working. It helps ensure the rule of law is meaningful for everyone, not just those with legal training. Joining me today is Nora Bergh, director of BC Programs at the Justice Education Society. Nora has spent the last decade dedicated to helping British Columbians learn about the law and our justice system so they can be better equipped to deal with their legal issues. She'll be speaking to us about the importance of legal education, what programs the Justice Education Society offers, and how this makes an impact for access to justice in reinforcing the rule of law. Here's our discussion.

Could you start off by telling us a little bit about yourself and how you got into the work of justice education?

Nora Bergh:

So my name's Nora, I graduated UBC Law in 2013. I practiced for a little bit but pretty soon I found myself wanting to do more work in access to justice, work more to help people. I was really drawn to sort of what we call the public legal education information sector. So I found the Justice Education Society and this September it will be about 11 years since I've been working there. Right now, my role there is the, I'm the program director for BC programs.

Vinnie Yuen:

Thanks so much for telling us a little bit about how you got into this work. A lot of people, when they think about access to justice, they think about having enough money to hire a lawyer when they have a legal problem; how does the Justice Education Society define it and how do your programs and initiatives help improve access to justice?

Nora Bergh:

Like certainly access to justice can mean having enough money to hire a lawyer, I mean there are certain things, it's really important to have a lawyer help you with you know affordability of that help can be a huge thing. But access to justice is far more than that. I think it starts before even before a legal issue has arisen. It's sort of access to information about your rights and responsibilities or the ability to understand and access the justice system in place and even like the skills to advocate for those rights and the ability to navigate the system.

And I like to think of our programs sort of in two ways. First is sort of the preventative, so this is before a legal issue has arisen. These would be sort of a lot of our educational programs where we help people know about their rights, how to avoid legal issues, helping them build legal capability skills. We do this with youth and newcomers to professionals to the public. And then we also have our programs that are sort of just in time. These help people who are going through a legal issue and for that we have sort of our legal helplines, we've got 12 different legal help websites that break down complex legal rights, legal laws and processes into sort of plain language so that they can process those and find that information when they need it.

Vinnie Yuen:

Can I ask you what the Justice Education Society does and then what it does not do for those who are listening, just to clarify the role?

Nora Bergh:

Uh-hmm, sure. So there are a number of organizations like us across Canada. We call the PLEI sector or ecosystem. It's like the public legal education information sector, most people don't, have never heard of that or know about it. But what we all do is trying to achieve access to justice through education information and not through, well we as an organization don't do legal advice so there's a lot we can do to educate people, let them know about their rights, their responsibilities, you know where to file things, when to file things, those barriers in their legal journey and we try to reduce some of those barriers.

I think people who, you know even lawyers, which I imagine are a lot of your listeners, who've done work in like pro bono or low bono or that sort of work, will recognize that sometimes when they're working with a client, there's this education and information side of thing that they're educating and they're informing their clients and they haven't quite gotten to the advice stuff. So that's sort of where we can work really harmoniously with the advice piece where with like well others can sort of take on that information and education piece too so that lawyers can sort of just focus on advice or more on that, yeah.

Vinnie Yuen:

Yeah, you mentioned how you guys have this two different approaches educating people, before they encounter a legal issue and then kind of right when they, right when they do encounter a legal issue. I think a lot of people only interact with the legal system when something has already gone wrong in their lives; what difference do you think it makes for people to understand their rights, responsibilities and these legal processes before they face the issue and maybe if you can share an example where that can have a meaningful impact for somebody?

Nora Bergh:

I mean I think it can make a huge difference. First it might just remove the conflict or reduce it altogether. We've done legal education workshops for employees, we did a project with childcare educators and trying to increase their understanding of the

Employment Standards Act and their rights in the workplace and things like that. And so in a lot, in a workshop, we often sort of talk about red flags in job interviews or workplace practices that they should be aware of or often employers get wrong or new laws and sort of how to gather evidence. You know a lot of times there are a lot of people working and they don't have a contract and they're not given a contract so how can they sort of keep a paper trail, how can they gather that evidence to even prove what's going on, you know, or even just like how to communicate with your employer of like hey, I didn't get my sick time. Maybe the employer doesn't even know about it so there might be a piece of you know education 'cause laws are changing so it's a little bit sort of that practical side of things and how to resolve these legal conflicts.

I also really believe in like preemptive education in the sense that it's building more than knowledge. For example, you could educate a bunch of youth about their renting rights of what a landlord can and can't do. You could have them all memorize it but if they're unable to really communicate that to the landlord or put things in writing, gather the evidence if they are going to go to a tribunal and advocate for those rights, if they don't have those skills then like you haven't really done a lot just by educating them about their rights. Building those skills and building that confidence in them to be able to do things like that, I think that's really important. And it's a lot easier to do that sort of preemptively because when people are in a crisis or when your landlord is evicting you, you don't have time to figure out okay, how do I gather evidence, how do I advocate for myself, how do I deal with conflict. Most of the time, people just don't have that cognitive space when they're in crisis to do that kind of thing. So if you've built that in earlier when you are less stressed and when you do come into the stressful situations, you're a lot more capable of dealing with it and resolving it in a sort of favorable and positive way.

Vinnie Yuen:

And you said you know there's a youth education piece that the Justice Education Society takes on; can you tell us a little bit about why this is an area the organization has focused on and what kinds of programs you guys offer?

Nora Bergh:

I mean youth are fun to work with so I really enjoy it and I think it's a great focus. But practically speaking, I think like youth are pretty open minded, like they're eager to learn. There's still this thirst for knowledge and so it is sort of this captive audience where you can do a lot of legal education. And practically speaking, they often have more time, like that saying of like youth is our future and it's worth investing in [inaudible 10:10] but it is, it's a saying for a reason. Youth have a role to play in continuing to strive for rule of law and access to justice so it's important to sort of invest in them, you're kind of investing in the future.

And then yeah, what programs do we offer? Yeah, quite a few, we do have, our sort of foundational program is our court visits program. We have classrooms in four courthouses across BC where we welcome groups in. We really believe in this experiential learning so they can do court watching, they receive education from us, they can often connect to a legal profession to actually sit down with a prosecutor or with a judge. It really humanizes the whole process and there's just a lot of learning that can sort of happen on the fly when you're actually watching court. And so that's, that's a pretty exciting program and yeah, we have about 10,000 students come through every year so very, very popular, very in demand.

We do also work a lot with teachers and build curriculum so we do create training and pilot them with students so that teachers can then take these lessons and continue to deliver them to their students. We have this Futures of Justice Program which originally came from our counterparts in Ontario and it's really, it's a one day event in the courthouse. We run it where we have equity seeking female youth come in to connect with other legal professionals. Oftentimes these youth might not know anybody who's in law or a justice career and so seeing others, seeing themselves in others and being able to have sort of small, one-on-one interactions with them is really powerful for that sort of one day event.

Lastly, we did just wrap our youth camp. Last week was our last week. We do youth camps in the summer. We do it for teens and preteens, about 16 students come in for a week. We can do a lot of different things with them, building advocacy skills and seeing

the kids flourish from Monday to Friday and Friday we run two little mock trials where they fully engage.

Vinnie Yuen:

Aside from your youth programs, I know that the organization also develops some legal information hubs or digital solutions for the wider public. Could you walk us through a couple of these tools and then what they do?

Nora Bergh:

Yeah, we have a really amazing digital team who helps create. We have about 12 different websites and a lot goes into the design of like a lot of cognitive science, how much white space and people with different learning styles, how do we convey this message you know. One of our sort of unique websites we have that we redid, relaunched I think it was last year's Families Change so it's a national website which is, it's age appropriate so we have one for parents or guardians, one for teens and one for kids that are going through the changing family like separation or divorce. And then it really touches upon sort of the softer skills, softer things that aren't necessarily legal but they're right beside that legal process, so how do you talk to your kids about the separation.

And then on top of that, a lot of our websites have our like little helpline, our Ask JES service and it's a navigation service. We don't provide advice. Sometimes I make an analogy about you know your legal issue might be sort of like you're running a course with all these hurdles. Yeah, taking down things where you do need legal advice is important but there's a lot of other hurdles before that to, to take that next step and sort of that's what we're trying to do is you know remove one of those hurdles. So it can range from really simple questions of like hey, I got this notice, how, how many days do I have to respond to this or what form do I use to ask for alternative service because I can't find, the person's not picking up registered mail or whatever it is to things where people tell you that I need to leave my abusive relationship, I don't really know where to start. Do you know what a safety plan is? Here are some resources, here are some places that can help you. Also reducing the amount of time that people sort of get pushed around from different referrals to make sure that that referral will give people, actually gets them to the right place so that they don't get so frustrated or give up.

It is a helpline, we're live three hours five days a week and we have legally trained navigators and they're trauma informed, really helpful for people but you know not everybody wants to pick up the phone so we also have live chat, we have email, we have text and recently we now have an AI chat as well. So it pulls information from trusted, vetted, legally reviewed websites. It can be really hard for people to just surf, right, even on our like Family Law in BC website, well I wanna know how to separate, if I'm separating who gets the dog. I need to know that that's under property, under companion animal and then I can get my answer but that's not necessarily intuitive for people. And so you can type in your question into an AI chat and it can pull and synthesize a lot of complex information.

Vinnie Yuen:

What do you think the role is of public legal education to help everyone feel more confident and have more trust in our institutions and specifically how it reinforces the rule of law?

Nora Bergh:

You know our legal system is really complex and it's not perfect. I think we, especially now, sort of live in a time when news is sensationalized and polarized and there's a lot of sort of clickbait culture and so without a good foundational understanding of how and why things are, it's really easy for people to be sort of swayed by these polarizing opinions. I think it's really important to honestly talk to people about our legal system, our institutions and our like foundational rule of law ideals. I was at a conference recently and I heard someone say, 'cause this idea of like how do we enforce rule of law or teach rule came up and people who work in sort of this area where we work with people that can't afford a lawyer who have many barriers, they said sort of rule of law isn't necessarily achieved for everyone. It's more of this ideal that we are continually striving for and I think that's like a really interesting way of looking at rule of law and I quite like it that we, even if we have achieved it or have or will in the future, I think we still have to constantly be working at it and constantly keep it in mind so we don't sort of have these backslides of democracy.

And so our approach really is to be quite honest with people. You know when we do workshops about, human rights workshops, you know you don't wanna paint it as this like really idealistic, like you've got the Human Rights Tribunal and you can go there and enforce your rights and everything will be great and you've got these rights. But sometimes it's really hard to enforce and it can be hard to enforce for certain people more so. You know if you've gotta feed your kids and pay the rent and you don't have family around 'cause you're a newcomer, you're alone or you live in a really remote community and there's only one employer and they're discriminating against you, it's really, really hard for them to actualize a lot of the education that we're saying about like you've got these rights and this is the way to enforce it. So just being aware and being honest with people, I think that sort of also helps them build trust in the system and understand that it's a system that is, I often say this to youth, it's not perfect but I can't think of another system that's achieved something better and I encourage them to continue to work at making it and the ideals of rule of law strong in our country.

Vinnie Yuen:

I'm wondering what your thoughts are in terms of what if the education for the public is not robust or what if these initiatives didn't exist to help people understand what their rights are, what legal processes are, what risks do we run, what those, what the pitfalls would be if we didn't have robust legal education in place?

Nora Bergh:

There's sort of the individual level of what would happen where you know there's such a huge population. I think an old law professor at a reunion made a joke that he can't even afford a lawyer, right. So there's so many people that cannot afford a lawyer. You know CBC had like a great podcast or show about all these stories about people re-mortgaging their houses and going into these great amount of debt to hire a lawyer so it just is. Like a lot of people cannot afford a lawyer. And then you have you know it's great that we have Legal Aid and we have things like that, but that's so few amount of people that that can support as well. So there's this huge gap in the middle that are left to sort of I don't know, DIY, like do it yourself. Yeah, so they, I think it would individually really frustrate

people. A lot of people just don't access or try to do anything about injustices if it's so hard to do, they'll just give up. And so a lot of people then will create a system where landlords, employers like are like they're never gonna enforce this so you know why would I pay overtime if they're never gonna like take me to court. So there's just gonna be a lot more people being taken advantage of and especially you know as the case always is, it's people who are already marginalized or vulnerable are going to end up falling more and more through those cracks.

Then, inevitably, on the whole systems side, if you have a system that doesn't mean anything to most people because it's not actually protecting them then they don't believe in it, they don't trust it, I think it can be very damaging to a society. I remember going, being at a conference once and someone proposing of like we just need more Legal Aid lawyers, like just more Legal Aid lawyers. And I was like well unless you're willing to sort of fund that, that is a huge cost, right. I don't see us doing that any time soon, having you know a system or a country where everyone gets a lawyer every time a legal issue arises and it's free. There needs to be more invested in helping people to be able to do it on their own I guess.

Vinnie Yuen:

Yeah, or like you've said previously, to prevent the legal problem from even arising if they know what to do or they know what their rights are and they can communicate them.

Nora Bergh:

Yeah, I've made this analogy before where you know there was a lot of people you know having lung cancer from smoking and we didn't just say well build more cancer you know centers and get more doctors to fix the problem. I'm sure they did do that as well but they also, there was a huge campaign and a huge amount of investment in education to educate people about the harms of you know smoking and cancer and things like that. So I think it is one of the solutions and not the only solution but it's part of the, one piece of the puzzle I guess.

Vinnie Yuen:

For our lawyer listeners who are listening to this, if they wanted to contribute in some way to improving access to justice with the Justice Education Society, do you have any opportunities? What can they do and how can they get involved?

Nora Bergh:

We are fortunate for our youth program, our court visits program, we do have a lot of volunteers, especially ones that work in the courthouse that come and give up their time and we're so appreciative of that. And I know the youth really enjoy connecting with them so that's one way people get involved. We ran a mock trial competition in the spring so we're always looking for people to come be judges. The area that we definitely could use more support is also we run a multilingual program so we run workshops and education for newcomers and immigrants, working a lot with community organizations, settlement organizations, and there's often sort of a request for languages so it would be lovely if we had people who would be able to or willing to do legal education and could speak a different language. And we're always looking for lawyers to help with legal review of our websites.

Vinnie Yuen:

And do they just, can they get in touch with your organization just through your website?

Nora Bergh:

Yes, yes, I think my email's also online so if anyone wants to reach out to me I'm also happy to take on inquiries.

Vinnie Yuen:

Great. Thank you so much for your time today.

Nora Bergh:

You're welcome, yeah, anytime.

Vinnie Yuen:

Thanks for listening. For more information about the Justice Education Society and their programs, please see the show notes for links to resources.

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